



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Stephen M. Pixley, et al. )  
Serial No. 10/791,991 )  
Filed: March 2, 2004 )  
For: TOOL VENDING MACHINE )  
AND METHOD THEREFORE )  
Examiner: Waggoner, Timothy R.  
Art Unit: 3651  
Date: March 7, 2006

DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action of January 25, 2006, please consider the following declaration:

I, STEVEN M. PIXLEY, President and Chief Executive Officer of Autocrib, Inc. of Huntington Beach, California, hereby attest to the following facts concerning construction of an invention defined as Model C.

In late 2002, I got the idea to develop a vending machine for tools which is to be used within corporations in lieu of a tool crib. Tools come in numerous different sizes and a vending machine would have a mass of compartments with each compartment to contain a tool. Some compartments are going to be smaller than others because the tools are smaller. If the vending machine access door providing access to all compartments was only one size, in some instances the size of the door opening would permit the user access to two different compartments. Therefore, a user could remove a tool from both compartments and there would only be a record of one tool being charged to that particular user. The situation had to be avoided.

At about the beginning of 2003, I came up with the idea of constructing the vending machine to have a baffle arrangement which would be movable to change the size of the door opening so that the door opening would correspond in size with the size of the compartment that is aligned with the door. Initially, it was believed that a movable baffle arrangement could be achieved using a belt drive (Exhibit A) and this particular structure is what was referred to in the Autocrib press release dated January 10, 2003. This construction of Model C involved a baffle system that comprised opposing plates that was driven by the belt drive activation system. After January 10, 2003, further testing discovered

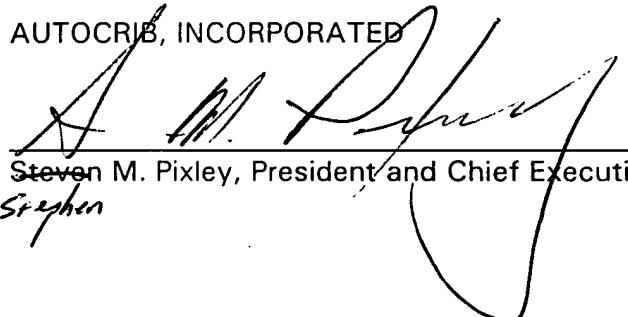
Amendment to TOOL VENDING MACHINES AND METHOD THEREFORE  
Stephen M. Pixley, et al., inventors  
Serial No. 10/791,991  
Filed March 2, 2004  
Page 2 of 2

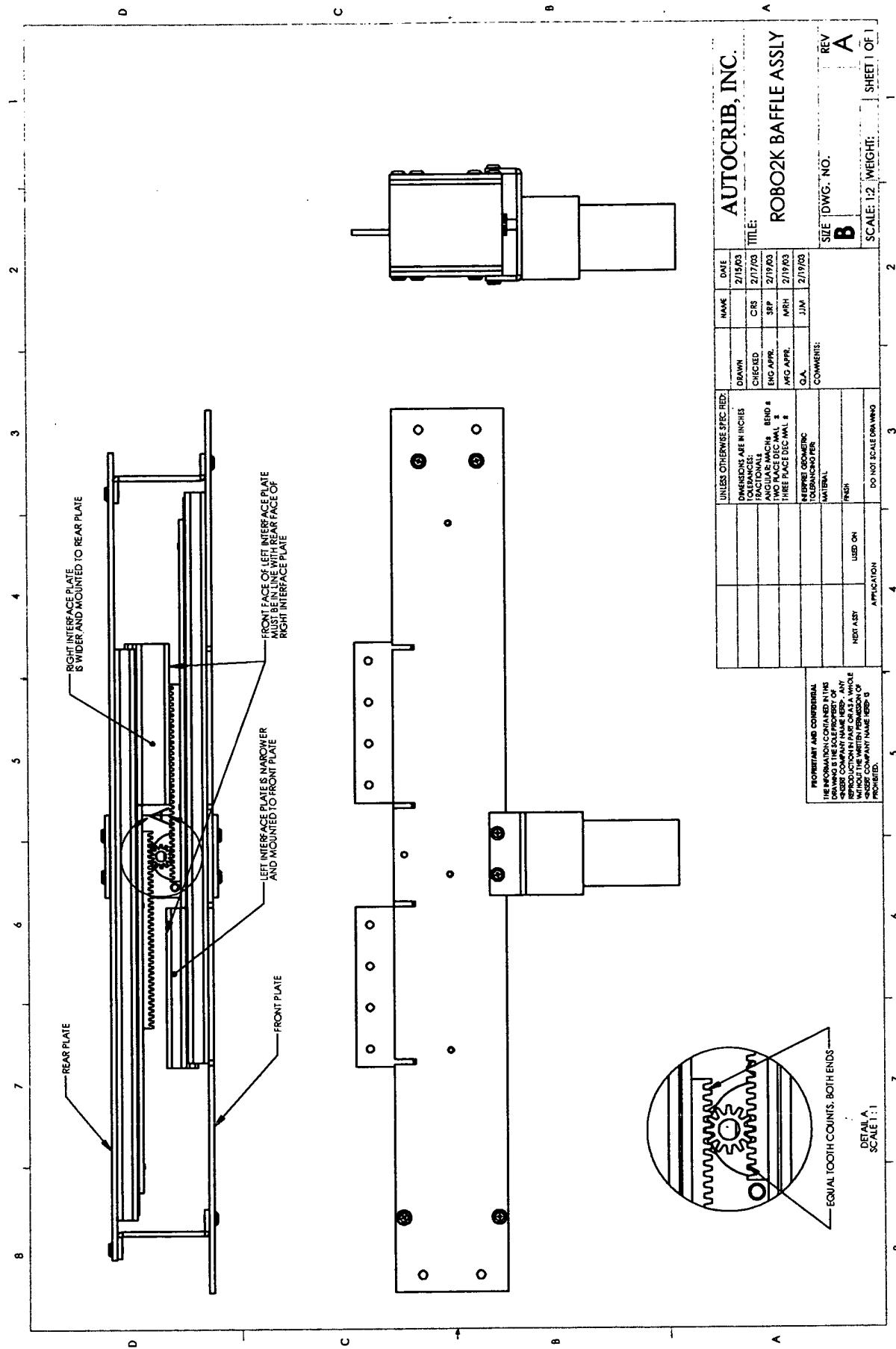
that the drive belt activation system was a miserable failure. Any minor jam of the baffle system would cause the belt to slip and then allow the user to access items that should not be available to the user. Further, the slipping of the belt caused errors that would halt the entire system until it was recalibrated. Under my direction, my company was instructed to redesign the Model C to substitute a rack and pinion (Exhibit B) system for the drive belt activation system. This resulted in the production of a working prototype on March 10, 2003. This proved to be a far superior design and there was no problem with jams or calibration. The Model C machine that had been developed and included the belt drive activation system was then retrofitted with the rack and pinion system. This machine was displayed for the first time on March 22, 2003 in the Westec Show at the Los Angeles Convention Center. The first sold unit was shipped around the end of April 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 9, 2006

AUTOCRIB, INCORPORATED

  
\_\_\_\_\_  
Steven M. Pixley, President and Chief Executive Officer  
Stephen



**BEST AVAILABLE COPY**